

12-2-D. Administrative Enforcement: Signing Penalty Remittance Agreement and Remittance Orders (1200 TN 350 12-2-D)**1. AUTHORITY.**

- a. To sign agreements to remit all or part of a civil administrative penalty, as authorized by Section 16(a)(2)(C) of the Toxic Substances Control Act (TSCA), if conditions cited in the remittance agreement are met by the respondent.
- b. To sign an order remitting the penalty when the Agency is satisfied that the conditions have been met; and to sign an order not remitting the penalty and declaring that payment of the penalty is due, and collecting the required payment, when the Agency determines the conditions have not been met. The authority to remit penalties with conditions is contained in Section 16(a)(2)(C) of TSCA.

2. TO WHOM DELEGATED.

- a. The authority in 1.a. is delegated to the Director, Enforcement and Compliance Assurance Division (ECAD); and the Regional Counsel.
- b. The authority in 1.b. is delegated to the Regional Judicial and Presiding Officer.

3. LIMITATIONS.

- a. Delegates must consult the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) or designee before exercising any of the above authorities. This is to ensure that similar settlements are applied to similar violative situations.

4. REDELEGATION AUTHORITY.

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

12-2-D. Administrative Enforcement: Signing Penalty Remittance Agreement and Remittance Orders (continued)**5. ADDITIONAL REFERENCES.**

- a. Section 16(a)(2)(c) of TSCA, which permits the Administrator to remit penalties with conditions, and AToxic Substances Control Act Settlement with Conditions@ (November 16, 1983), which gives criteria for the use of remittance agreements, a description of the format and contents of such agreements, and a summary of the procedures for using these agreements.
- b. The AA/OECA may exercise these authorities in multi-Regional cases or cases of national significance. In addition, the AA/OECA must notify any affected Regional Administrators, or designees, when exercising any of the above authorities.
- c. The AA/OECA may waive the consultation requirement by memorandum.

6. SUPERSESION. Delegations Manual, TSCA, Regional Delegation 12-2-D. Administrative Enforcement: Signing Penalty Remittance Agreement and Remittance Orders, 1200 TN RIII 129 (November 9, 1998).

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Regional Administrator